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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

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BARRY J. PEALO,	:
	:
Plaintiff,	:
	:
	:
v.	:No. 5:18-cv-00401 (ATB)
	:
COMMISSIONER OF SOCIAL SECURITY,	:
	:
Defendant.	:
	:
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**CONSENT ORDER TO REMAND PURSUANT
TO SENTENCE 4 OF 42 U.S.C. § 405(g)**

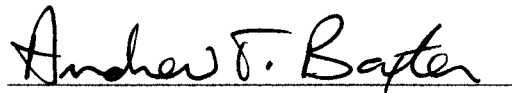
This matter has been opened to the Court by GRANT C. JAQUITH, Acting United States Attorney for the Northern District of New York, and June Byun, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) for further administrative action; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 25th day of September, 2018;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g), for the further administrative action, and it is further

ORDERED that, on remand, the Administrative Law Judge will conduct further proceedings and develop the administrative record as necessary to determine whether Plaintiff is disabled within the meaning of the Social Security Act; offer Plaintiff the opportunity for a hearing; and issue a new decision, and it is further

ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).




Andrew T. Baxter
U.S. Magistrate Judge

The undersigned hereby consent to the form and entry of the within order.

GRANT C. JAQUITH
United States Attorney

By: /s June Byun
JUNE BYUN
Special Assistant U.S. Attorney
Attorney for Defendant
Bar No. 520444

Olinsky Law Group

By: 
HOWARD OLINSKY, Esq.
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